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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR			ATTORNEY DOCKET NO.	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Application No. Summary Summary			Anniinatina No		Applicant(s)					
Examiner Jeremy T. Thissell 3763	Office Action Summary		Application No.							
Jeremy T. Thissell 3763			09/785,831		ii in anan	L.				
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Especials of time may be available used the provision of 3 of 2 ns. 1.18(d). In or evert, however, may a richy be limely filed after SIX (s) MCRITIS from the mailing date of this communication. Especials of time may be available used the provision of 3 of 2 ns. 1.18(d). In or evert, however, may a richy be limely filed after SIX (s) MCRITIS from the mailing date of this communication. Fallware to reply within the set or extended period for may by will, by statutory period will appear and villed price SIX (s) MCNITHS from the mailing date of file communication. Fallware to reply within the set or extended period for may by will, by statutor, seven the application to become ABANDONED (SIX U.S. ⊈ 133). Any reply received by the filtric batter then histon worshis entire the mailing date of the communication. Fallware term adjustment. See 3 rCPR 1.78(d). Status 1) ∑ Responsive to communication(s) filed on 16 February 2001 This action is FiNAL. 2b) ∑ This action is non-final. 3) ∑ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 c.D. 11, 453 O.G. 213. Disposition of Claims 4) ∑ Claim(s) 1-28.79 and 97-102 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 6) ☐ Claim(s) 1-28.79 and 97-102 are subject to restriction and/or election requirement. Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on 1/6 farm and 1/2 is/are: a) □ accepted or b) □ objected to by the Examiner. 4phication Papers 9) ☐ The proposed drawing correction filed on 1/6 rawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) ☐ The proposed drawing correction filed on 1/6 rawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. §										
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PTO-326 (Rev. 04-01)

Application/Control Number: 09/785,831

Art Unit: 3763

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-20 and 97-100, drawn to a syringe type ampoule, classified in class 604, subclass 232.
- II. Claims 21-28, 79, 101, and 102, drawn to a method of manufacturing an ampoule, classified in class 141, subclass 31.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the method could be used to make other products, such as actual syringes rather than ampoule.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group I, restriction for examination purposes as indicated is proper.

A telephone call was made to Stephen Wentsler on 16 October 2001 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Art Unit: 3763

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy T. Thissell whose telephone number is (703) 305-5261. The examiner can normally be reached on 8:30-7:00 Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard K. Seidel can be reached on (703) 308-5115. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-3590 for regular communications and (703) 306-4520 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

October 12001

RICHARD K. SEIDEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700